

# EXHIBIT E

**IN RE: CAPITAL ONE CONSUMER DATA SECURITY BREACH LITIGATION**  
**Attorneys Eyes Only Vincent Charles Passaro on 10/21/2020**

1 Confidential - Attorneys' Eyes Only  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF VIRGINIA  
4 ALEXANDRIA DIVISION  
5  
6 IN RE: CAPITAL ONE § MDL NO.  
7 CONSUMER DATA SECURITY § 1:19md2915 (AJT/JFA)  
8 BREACH LITIGATION §  
9 §  
10 ~~~~~

11  
12  
13 VIDEOTAPED DEPOSITION OF  
14 VINCENT CHARLES PASSARO  
15 CONDUCTED REMOTELY

16  
17  
18 12:29 p.m. EST  
19 Wednesday, the 21st day of October 2020

20  
21  
22  
23  
24  
25  
Blanche J. Dugas, CRR, RPR, CCR No. B-2290

1 her name is Paige Thompson?

2 A. That's my understanding, yes.

3 Q. Was it ever determined by Amazon that Paige  
4 Thompson had compromised other Amazon customers?

5 A. I don't know.

6 Q. I want to put up Tab 5, and this will be  
7 marked as Exhibit 342. Its Bates number is  
8 AWS\_CAP00052442. While that's coming up, I'll tell  
9 you that most of this is redacted. The only question  
10 I have is about the very first e-mail at the top of  
11 it, once it comes up.

12 (Plaintiffs' Exhibit 342 was marked  
13 for identification.)

14 THE WITNESS: I'm done reading.

15 Q. (By Mr. Barthle) Are you familiar with this  
16 e-mail?

17 A. I am not familiar with this e-mail, no.

18 Q. Do you recall this issue regarding the Wall  
19 Street Journal reporter?

20 A. I'm sorry, the issue with the Wall Street  
21 Journal?

22 Q. Whatever Mr. Schmidt is referring to here.

23 A. I am not, no.

24 Q. And would Mr. Schmidt e-mail you with some  
25 regularity?

1 A. I'm sorry?

2 Q. Does he e-mail you regularly in your  
3 day-to-day business?

4 A. I'm on the same e-mails that he's on for a  
5 large number of e-mails, but direct communication  
6 specifically to me, no.

7 Q. Do you recall yourself or anyone on your  
8 team looking into this issue that's being brought up  
9 here?

10 A. I don't recall it specifically, no.

11 Q. He writes, "A Wall Street Journal reporter  
12 is alleging that she targeted some AZs specifically  
13 because of less secure setups of some kind."

14 Do you see that?

15 A. I see it, yes.

16 Q. That term "AZ," does that refer to something  
17 specific internally at Amazon?

18 A. I believe he was referring to the term  
19 "availability zones."

20 Q. Were you ever informed of whether there was  
21 some less secure setup related to those?

22 A. No, not that I recall.

23 Q. Are you aware of whether there was any sort  
24 of investigation into this issue?

25 A. Not that I recall.

1 Q. Did you receive this e-mail in the -- in the  
2 normal course of your employment at Amazon?

3 A. Sorry, I'm confused. Receive e-mails?

4 Q. Did you receive this e-mail in the normal  
5 course of your employment at Amazon?

6 A. I believe I would have as I'm on CC.

7 MR. BARTHLE: Tyler, we'd ask for a  
8 business record stipulation.

9 MR. NEWBY: Yes, I'll stipulate that  
10 this is a business record of Amazon.

11 Q. (By Mr. Barthle) Okay. I'll put up another  
12 exhibit which we'll mark as 343. It is Bates  
13 AWS\_CAP00053149. And again, most of this string is  
14 redacted. My questions are about these top two  
15 e-mails.

16 (Plaintiffs' Exhibit 343 was marked  
17 for identification.)

18 THE WITNESS: Okay. I'm done reading.

19 Q. (By Mr. Barthle) Do you recall this e-mail  
20 string?

21 A. I don't actually, no.

22 Q. The subject line refers to an FBI victim  
23 hash list. Do you see that?

24 A. I see that, yes.

25 Q. Do you know what that is?

1 A. I can't remember the -- the specifics of  
2 what that's referring to.

3 Q. The e-mail that starts at the bottom of the  
4 first page and breaks over to the second from a  
5 Chenren Shao. Do you see that?

6 A. This first section here?

7 Q. Below that. This -- this e-mail.

8 A. Okay.

9 Q. You see that it's from Mr. -- or Chenren  
10 Shao?

11 A. Yes.

12 Q. Who -- do you know who Chenren Shao is?

13 A. Chenren is -- I believe he's an engineer by  
14 title on a different team in AWS security.

15 Q. And do you know what his role in the breach  
16 investigation was?

17 A. He's a developer who works on some of the  
18 AWS security tooling. So I believe he's speaking on  
19 behalf of that role.

20 Q. And you said AWS security tooling?

21 A. Yes.

22 Q. And what is that?

23 A. Developers that develop tools at AWS  
24 security.

25 Q. Do you have an understanding of what he's

1 discussing in this e-mail of August 17th, 2019 at  
2 8:38 a.m.?

3 A. He was referring to querying some dataset  
4 looking for hashes and matching those against some log  
5 file.

6 Q. He writes, "I got a test query finished  
7 successfully last night targeting first two weeks of  
8 this year and first 2,000 hashes from S3 edit logs. I  
9 got 1.1k object matches. Obviously, there won't be  
10 1.1k distinct customers. Initial quick glance shows  
11 that same owners appear 30 to 110 times in this  
12 initial result, so, yes, it roughly matches the  
13 estimate that there are about 30 affected customers."

14 Do you see that?

15 A. Yes.

16 Q. Do you know what this test query was?

17 A. I don't, no.

18 Q. Do you know what the 2,000 hashes were?

19 A. I don't, no.

20 Q. How about the S3 edit logs? Do you know  
21 what those are?

22 A. S3 edit logs are logs from S3 that reference  
23 what they refer to as edit. I don't know the specific  
24 list of put or get, but it's what they call edit logs  
25 of objects being put in S3 or something happening with

1 them in S3.

2 Q. Is it your understanding that he only looked  
3 at the first two weeks of the year?

4 MR. NEWBY: Objection to form.

5 THE WITNESS: Yeah, I -- I don't know.

6 Q. (By Mr. Barthle) Do you know what the 1.1k  
7 object matches were, what that means?

8 A. The line says that he took hashes and  
9 matched them against edit logs and there was 1.1k  
10 object matches. That's all I can infer from that.

11 Q. Can you explain what you understand that to  
12 mean?

13 A. I understand it is that a query -- query --  
14 a query was ran of hashes, and they're against S3 edit  
15 logs and there was 1,100 object matches.

16 Q. How does that equate to this conclusion here  
17 that there are about 30 affected customers?

18 MR. NEWBY: Objection to form.

19 THE WITNESS: Yeah, that, I -- I don't  
20 know.

21 Q. (By Mr. Barthle) Do you have some  
22 understanding that there were 30 affected customers?

23 A. Yeah, that, I'm -- I'm not sure. I don't  
24 recall.

25 Q. Do you have any understanding of how the FBI



1 obtained this hash list?

2 A. I'm not sure.

3 Q. Do you know the origin of -- of those  
4 hashes?

5 A. I don't, no.

6 Q. Do you know when AWS -- when Amazon received  
7 the hash list?

8 A. I don't recall, no.

9 Q. Do you recall anything in connection with  
10 this FBI victim hash list issue?

11 A. I'm sorry, I don't understand the question.

12 Q. I'm just trying to get any knowledge you  
13 have about what this FBI victim hash list was. Do you  
14 know anything about it at all?

15 A. I don't -- I don't know any of the details  
16 of what that list was. I don't recall.

17 Q. Do you know any generalities about what this  
18 list was?

19 A. Only that it's being referred to as an FBI  
20 victim hash list.

21 Q. Did you receive this e-mail in the normal  
22 course of your employment at Amazon?

23 A. I'm on the CC line.

24 MR. BARTHLE: Tyler, we'd ask for a  
25 business records stipulation.

1 MR. NEWBY: I'll get back to you on  
2 that one. I need to review this document  
3 more closer. It's a long document.

4 Q. (By Mr. Barthle) Okay. I want to go to --  
5 hold on just a second.

6 In the top e-mail, there's a discussion here  
7 about sort of naming conventions and arriving at  
8 bucket names. Do you see that exchange?

9 A. The second paragraph?

10 Q. Really the -- basically that whole top  
11 e-mail, yeah. Do you see that?

12 A. Yeah, I see the e-mail.

13 Q. Can you just explain what -- what he's  
14 trying to communicate here, what he's explaining.

15 MR. NEWBY: Object to the form of the  
16 question.

17 THE WITNESS: It's my understanding  
18 he's referring to searching buckets for  
19 what he refers to as naming conventions,  
20 and then annotating the bucket that was  
21 within.

22 Q. (By Mr. Barthle) And he says, "One thing I  
23 first noticed is that there are a lot of same files in  
24 S3 that have same MD5 as one entry in the file of  
25 hashes and file names. This adds complexity to the S3

1 edit log approach."

2 Do you see that? The top paragraph.

3 A. Yeah.

4 Q. Do you have an understanding of why this  
5 added to the complexity?

6 MR. NEWBY: Object to form.

7 THE WITNESS: Yeah, I don't know.

8 Q. (By Mr. Barthle) Do you know what he means  
9 by that "these are the same files"?

10 A. Which section is that?

11 Q. "One thing I first notice is there are a lot  
12 of same files in S3 that have the same MD5 as one  
13 entry in the file of hashes and file names."

14 Do you know what the same files are?

15 A. I don't, no.

16 Q. MD5 is a hash; is that accurate?

17 A. Yes.

18 Q. And I believe it's your testimony that  
19 you're not aware whether Amazon was able to identify  
20 customers that might have been impacted by the -- by  
21 Paige Thompson.

22 A. Yeah, I don't recall the outcome, no.

23 Q. Okay. I want to go to previous Exhibit 219.  
24 And this is another Chime conversation. I believe  
25 this one is between Mr. Christian and yourself. Is